

REMARKS

Upon entry of the present amendment, claims 18, 20, 24, 25, 26 and 30 will have been amended to correct informalities in the claim language and to more clearly define the invention, while not substantially affecting or narrowing the scope of these claims. Applicants respectfully submit that all pending claims are in condition for allowance.

In the above-referenced Official Action, the Examiner rejected claims 1-7, 18-19 and 22-23 under 35 U.S.C. § 103(a) as being anticipated by SUNDARESAN et al. (U.S. Patent No. 6,463,079) in view of GIDWANI (U.S. Patent No. 6,640,239). The Examiner rejected claims 8-17, 20-21 and 24-38 under 35 U.S.C. § 103(a) as unpatentable over SUNDARESAN et al. in view of GIDWANI further in view of BYERS (U.S. Patent No. 5,926,472). Applicants respectfully traverse these rejections, at least for the reasons stated below.

Initially, Applicants note that many of their previous arguments, asserted in the Reply under 37 C.F.R. § 1.111, filed October 11, 2006, have not been addressed in the above-referenced Official Action. Rather, the Examiner broadly stated that Applicants' previous arguments are considered moot in view of the new grounds of rejection. *See* Official Action, p. 20. However, the only new grounds of rejection is application of GIDWANI as a secondary reference in place of JOST et al. (U.S. Patent No. 6,778,651), which previously had been asserted by the Examiner to teach the same features which the Examiner now asserts are taught by GIDWANI. Applicants point out that the majority of their previous arguments actually addressed the inadequate teachings of the primary reference, SUNDARESAN et al., which arguments are still equally applicable to the present rejections, since the Examiner does not assert that GIDWANI overcomes the deficiencies of

In particular, the SUNDARESAN et al. patent is directed to pre-qualifying service requests in order to establish services in a network. *See, e.g.*, Abstract. In other words, SUNDARESAN et al. determine information such as the identity and location of a subscriber, whether a requested service is available at that location, whether the length of the subscriber's local loop exceeds that required for providing the service, and the like. *See, e.g.*, col. 16, lines 50-67. In contrast, the pending claims are directed to actually provisioning DSL services, *e.g.*, by determining assigned facilities, converting service orders into provisionable steps and/or actually configuring the facilities to implement the requested service. The pending claims assume that the service orders for which network facilities are actually being configured have already been pre-qualified, *e.g.*, by a system such as that disclosed by SUNDARESAN et al. Therefore, the teachings of SUNDARESAN et al. are not applicable to the actual provisioning.

In this context, it is apparent that the portions of SUNDARESAN et al. on which the Examiner relied for teaching various features of the independent claims are not relevant. For example, with respect to independent claims 1, 18 and 31, a service order, which requests implementation of a DSL service, is received at a provisioning server for actually implementing the service. The facilities assigned to implement the service order are identified based on the service order or based on provisioning data contained in the service order. SUNDARESAN et al. do not include a provisioning server, since they do not teach actual provisioning, but rather teach pre-qualifying service orders that are later provisioned. With respect to independent claims 8 and 38, the Examiner relied on col. 16, lines 27-67, and col. 18, lines 1-24, of SUNDARESAN et al. to teach

converting a service order into provisionable steps. However, these portions of the patent merely describe a subscriber submitting information to an operational support system (OSS) 190 for pre-qualifying a service order, which includes, for example, determining whether the requested service is provided in a geographic area and local loop distances. Col. 16, lines 50-67; col. 18, lines 6-12. There is no teaching or suggestion of going a step further and provisioning the services, and certainly no teaching or suggestion of how to actually provision the services, *i.e.*, by converting the service order into provisionable steps, as recited in claims 8 and 38.

With respect to independent claim 24, the Examiner relied on SUNDARESAN et al. to teach a facility inventory system, which stores facility information including a type, location and availability of network facilities, specifically identifying the server system 1030 of Fig. 10. However, the server system 1030 of SUNDARESAN et al. stores information relating to a DSL subscriber (*e.g.*, the user location, the desired services and the date from which the services are desired – all information related to pre-qualification), not information relating to the facilities needed to actually implement the services. See, *e.g.*, col. 18, lines 1-12. In fact, SUNDARESAN et al. disclose that the server system 1030 may not even be needed to implement order entry under certain circumstances, in which user information is obtained through alternative means. See col. 18, lines 45-53. Therefore, the server system 1030 clearly does not teach the facility inventory system with which the server of claim 24 communicates to determine the provisioning facilities from the plurality of network facilities needed to implement the DSL service based on the service order.

In the above-referenced Official Action, the Examiner relied on the (newly asserted) GIDWANI patent, only to teach determining an interface corresponding to each of the plurality of

facilities, each interface converting at least a portion of the provisioning data into a specific protocol corresponding to the assigned facility, and configuring each of the facilities using the corresponding interface. Therefore, GIDWANI does not overcome the deficiencies of the primary reference.

Further, GIDWANI discloses a Unified Internet Protocol (UIP) Server 226, which delivers multimedia content in combination with UIP clients. *See, e.g.*, col. 23, lines 17-21. The UIP Server 226 has the capability of interfacing, for example, with SS7 Gateway 146, Cable TV and Video on Demand Feed 234 and ATM to IP Router 142, as well as supporting voice over IP. *See, e.g.*, col. 23, lines 38-65. However, unlike the subject matter of the pending claims, GIDWANI discloses interfacing with these multimedia services that apparently have already been provisioned. In other words, GIDWANI does not teach or suggest determining an interface corresponding to each assigned facility for the purpose of provisioning a DSL server. In GIDSWANI, the UIP Server 226 is merely interfacing with the multimedia networks.

Also, there is no proper motivation for combining the SUNDARESAN et al. and GIDWANI references. As stated above, the SUNDARESAN et al. patent is directed to pre-qualifying orders for high bandwidth connections based on DSL technology, while the GIDWANI patent is directed to a UIP client/server, which enable interfacing with previously provisioned multimedia services. The Examiner has thus used impermissible hindsight in formulating the posited rejection of the claims, and has not provided any objective evidence of why one of ordinary skill in the art would have been motivated to modify SUNDARESAN et al. with the teachings of GIDWANI. Further, Applicants note that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re*

*Mills*, 916 F.2d 680, 16 USPQ 2d 1430 (Fed. Cir. 1990). SUNDARESAN et al. fail to suggest such a desirability. Accordingly, withdrawal of the rejections based on the combination of these references is respectfully requested.

With respect to independent claims 8, 24 and 38, the Examiner additionally relied on BYERS, in combination with SUNDARESAN et al. and GIDWANI, only to teach configuring an optical concentrator device. Therefore, even assuming (without admitting) proper motivation for combining these references, BYERS does not overcome the deficiencies of SUNDARESAN et al. and GIDWANI, discussed above. Accordingly, withdrawal of the rejections based on the combination of these references is respectfully requested.

With regard to claims 2-7, 9-17, 19-23, 25-30 and 32-37, Applicants assert that they are allowable at least because they depend from independent claims 1, 8, 18, 24 and 31, respectively, which the Applicants submit have been shown to be allowable.

Applicants further submit that the dependent claims are allowable because they recite additional features that are not taught or made obvious by the references upon which the Examiner has relied. For example, dependent claims 17, 30 and 36 recite, in part, service profile data and/or a profile identification that relate to a service of a service provider and service parameter(s). The service profile is identified for provisioning purposes, and may include information such as discrete multi-tone (DMT) parameters, *e.g.*, data rates, noise levels and power characteristics to streamline provisioning of a service order. *See* Specification, paras. [0038], [0041]. In comparison, Fig. 9; col. 15, lines 55-65; col. 19, lines 14-51 and col. 20, lines 26-35 of SUNDARESAN et al., relied upon by the Examiner (with respect to claims 17 and 36), teach entering data specific to a user, such as

user location, as opposed to referencing an identifiable profile relating to the service and service parameters.

With respect to dependent claims 11, 26 and 37, SUNDARESAN et al. likewise do not teach or suggest displaying errors or erroneous data at a GUI, or correcting errors through input from the GUI. The portions of SUNDARESAN et al. relied upon by the Examiner (*i.e.*, Figs. 15 and 16; col. 23, lines 1-9; col. 23, line 26 – col. 24, line 55) merely disclose identifying an appropriate central office to associate with a particular user location, and the possibility of errors caused by relying on the user's phone number to make such a determination. There is no disclosure or suggestion of displaying an error message on a GUI, or receiving input via the GUI in response to the erroneous data.

Accordingly, withdrawal of the rejections of the various dependent claims, based on these additional reasons, is respectfully requested.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of all previously asserted rejections set forth in the Official Action of December 27, 2006, together with an indication of the allowability of all pending claims, in due course. Such action is respectfully requested and is believed to be appropriate and proper.

Any amendments to the claims contained in this Reply, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

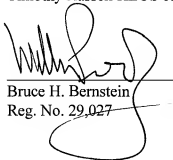
Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an

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Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions concerning this Reply or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
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